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IN THE

Supreme Court of the United States

OCTOBER TERM, 1964.

No. 1078

S. B. HEININGER,

Petitioner,

vs.

DEPARTMENT OF REGISTRATION AND EDUCATION OF THE STATE OF ILLINOIS, WILLIAM SYLVESTER WHITE, Director of Registration and Education, and EDGAR T. STEPHENS,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE APPELLATE COURT OF ILLINOIS, FIRST DISTRICT.

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PETITION FOR A WRIT OF CERTIORARI TO THE APPELLATE COURT OF ILLINOIS, FIRST DISTRICT.

S. B. Heininger prays that a writ of certiorari issue to review the judgment of the Appellate Court of Illinois, First District, entered in the above case on October 21, 1964, petition for leave to appeal to the Supreme Court of Illinois having been denied on January 20, 1965.

THE OPINION BELOW.

The opinion of the Appellate Court of Illinois appears in 53 Ill. App. 2d 182, 202 N.E. 2d 865.

The opinion of the Appellate Court is printed in the Appendix herein, *infra*, page 1a.

JURISDICTION.

The judgment of the Appellate Court of Illinois was entered on October 21, 1964 (Appendix, page 8a). The judgment became final on January 20, 1965, upon the denial of leave to appeal by the Supreme Court of Illinois (Appendix, page 9a).

The jurisdiction of this Court is invoked under 28 U.S.C. 1257.

QUESTIONS PRESENTED.

1. Has due process under the Fourteenth Amendment been accorded to a dentist when his dental license of 35 years is revoked on the basis of matters which occurred from 20 to 25 years before?

2. Can due process under the Fourteenth Amendment possibly be accorded to a dentist when his dental license of 35 years is revoked upon a record containing matters which occurred from 20 to 25 years earlier?

STATEMENT.

The petitioner was licensed to practice dentistry in the State of Illinois in 1924, after receiving his dental education at Northwestern University School of Dentistry (R. 145). From 1924 to 1933 he practiced dentistry in the City of Chicago (R. 146, 154).

From 1933 to 1938, the petitioner operated a world-wide, mail-order dental laboratory business, for which he solicited business through national advertising, and which at its peak did a gross business of $231,000 per year and had 60 employees (R. 235-6, 244, 246). On July 6, 1936, the Federal Trade Commission entered a cease and desist order against the petitioner, enjoining him from continuing certain kinds of advertising (R. 55-9). On February 19, 1938, the Postmaster General of the United States issued a fraud order, preventing the petitioner from using the mails in connection with his dental laboratory business (R. 59-61). The petitioner applied to the Federal District Court for the Northern District of Illinois and obtained an injunction to enjoin enforcement of the fraud order, but the injunction was dissolved by the Court of Appeals for the Seventh Circuit in *Farley* v. *Heininger*, 105 F. 2d 79 (7th Cir., 1939), petition for certiorari denied in *Heininger* v. *Farley*, 308 U.S. 587 (1939).

The petitioner deducted the expenses of the above litigation in his 1937 and 1938 federal income tax returns and the Commissioner of Internal Revenue denied the deductions. The Board of Tax Appeals affirmed the Commissioner in 47 B.T.A. 95, but the Court of Appeals for the

Seventh Circuit reversed the Board and upheld the deductions. The Supreme Court of the United States affirmed the Court of Appeals and held that the petitioner's deductions of his litigation expenses were proper as business expenses. In *Commissioner of Internal Revenue* v. *Heininger*, 320 U.S. 467, 64 S. Ct. 249 (1943), which has since become the leading case in the field of proper business expenses, the Supreme Court of the United States was required to *pass upon* the nature of the petitioner's mail order business from 1933 to 1938. This Court held at page 472:

> "*So far as appears from the record respondent did not believe, nor under our system of jurisprudence was he bound to believe, that a fraud order destroying his business was justified by the facts or by the law. Therefore he did not voluntarily abandon the business but defended it by all available legal means.*" (Emphasis supplied).

During the period of the petitioner's mail-order business, proceedings were instituted against him by the Department of Registration and Education, but when he abandoned the mail-order business in 1938, the petitioner's license was restored in June, 1938 (R. 138-42, 327, 329). The petitioner did not practice dentistry from 1938 to 1948 (R. 157-8) but from 1948 to the present time he has continued to practice dentistry in the City of Chicago.

A complaint was filed on March 28, 1960, by Edgar T. Stephens, relator, before the Department of Registration and Education, against the petitioner, requesting the Department to investigate the actions of the petitioner to determine whether his certificate of registration as a licensed dentist should be suspended or revoked. Para-

graphs 6 through 23 of the complaint (R. 45-61) as well as the two exhibits attached to the complaint refer solely to the petitioner's advertising appearing between 1933 and 1938 and to his mail-order dental laboratory business conducted between the years 1933 and 1938.

Hearings were held on July 18, and on November 29 and 30, 1960. The only witnesses were the relator and the petitioner. The relator introduced 39 exhibits, 29 of which consisted of advertising appearing between 1933 and 1938 and other documents relating solely to the petitioner's mail-order business between 1933 and 1938 (Rel. Exs. 9 through 37; R. 362-444). Most of the testimony elicited by the relator from the petitioner on adverse examination related to the period between 1933 and 1938 (R. 235-270).

The petitioner's attorney prior to the commencement of the hearings promptly raised the issues of (1) the staleness of the allegations in the complaint and (2) res adjudicata based on the restoration of the petitioner's license in June, 1938 (R. 130, 327). During the course of the hearings, the petitioner's attorney objected whenever the relator's attorney attempted to question the petitioner about matters occuring prior to June, 1938 (R. 239-41). The petitioner's attorney objected to the introduction of Exhibits 9 through 37, all of which related to the petitioner's activity prior to June, 1938 (R. 211, 296). The Board of Dental Examiners overruled the objections of petitioner's attorney to the introduction of matters concerning the period from 1931 to 1938 on the ground that petitioners' constitutional rights were violated (R. 302, 329). The Board eventually overruled all of the petitioner's objections to questions relating to matters occurring prior

to June, 1938, whereupon all of the testimony and exhibits relating to the period of 1933 and 1938 were made a part of the record in this 1960 proceeding. The petitioner again objected to any reference to 1933-1938 matters in his petition for rehearing addressed to the Department of Registration and Education (R. 341-2), which petition was denied (R. 349).

The constitutional propriety of proceeding upon a record with the 1933-1938 matters constituting its bulk was raised by the petitioner in the Appellate Court of Illinois and again when he sought leave to appeal to the Supreme Court of Illinois.

REASONS FOR GRANTING THE WRIT.

The enormity of the prejudice against the petitioner which contaminates this entire record almost defies description: Of the 24 paragraphs in the complaint, 18 paragraphs refer exclusively to matters occurring in 1938 or prior thereto and these matters are spread over 16 pages of the Record (R. 45-61); of the relators 39 exhibits, 29 consist of advertising and other documents appearing during the period 1933-1938 (R. 362-444); and most of the testimony elicited from the petitioner on adverse examination referred to the period prior to and including 1938. The 29 ancient exhibits were so old and ragged that the relator's attorney and the legal advisor to the Board of Dental Examiners both agreed that photostatic copies would be substituted in the record only with the stipulation that upon the request of petitioner's attorney, the original exhibits would be produced in the

Appellate Court during oral argument so that the Court could observe their condition of age (R. 323).

The petitioner's mail-order dental business of 1933-1938, if conducted at the present time, would be unlawful. Until that business was terminated in 1938, it was not as clear that it was improper as it may be in retrospect 25 or 30 years later. In fact the Supreme Court of the United States specifically passed upon the petitioner's conduct during that period and expressly found that the petitioner "did not believe, nor under our system of jurisprudence was he bound to believe, that a fraud order destroying his business was justified by the facts or by the law." *Commissioner of Internal Revenue* v. *Heininger*, 320 U.S. 467 (1943) at page 472.

But despite the legality or illegality of the petitioner's conduct in 1933-1938, the Department of Registration and Education, the same administrative agency which heard the present proceedings, had considered the petitioner's conduct during 1933-1938 and, when the petitioner terminated his mail-order business, restored his license in June, 1938 (R. 138-42, 327, 329).

The Department of Registration and Education was presented with this case in 1960, when it had been discovered that the petitioner's dental office was at the same address where there was also located a dental laboratory, a fact which the Supreme Court of Illinois has, in the last two dental license cases presented to it, held to be entirely proper and lawful. *Menning* v. *Department of Registration*, 14 Ill. 2d 553, 153 N.E. 2d 52 (1958); *Bruce* v. *Department of Registration*, 26 Ill. 2d 612, 187 N.E. 2d 711 (1963). The only reason which can possibly explain the Department's result in the present case is that the peti-

tioner's license was revoked because of his activities in 1933-1938. Such a result constitutes a complete denial of due process of law. Section 2 of Article II of the Illinois Constitution and Amendment XIV of the Constitution of the United States provide that no person shall be deprived of life, liberty or property without due process of law.

The mere existence of the avalanche of prejudicial and inflammatory material would in itself vitiate these proceedings. In *Michelson* v. *United States,* 335 U.S. 469 (1948), the United States Supreme Court said at pages 475-6:

> "Courts that follow the common-law tradition almost unanimously have come to disallow resort by the prosecution of any kind of evidence of a defendant's evil character to establish a probability of his guilt."

A hearing becomes tainted once the prejudicial matter is introduced even if the trier of the case professes not to be influenced by it. In *United States* v. *Accardo,* 298 F. 2d 133 (7th Cir., 1962), the defendant had been convicted for income tax violations for the years 1956, 1957 and 1958. In the course of the trial his income tax returns for 1940-1955 were admitted in evidence. The trial judge in his instructions to the jury purported to limit the effect of the earlier returns to show "motive, intent or wilful conduct." The Court of Appeals said in its opinion (298 F. 2d 133):

> "There was prejudicial error also in the trial court's admission, over objection, of evidence of defendant's income tax returns for the years 1940 through 1955. The court admitted the evidence to show 'motive, intent, or willful conduct.' • • •
>
> "The income tax returns were introduced, and several witnesses testified to the preparation of the re-

turns and to conversations with defendant about the sources of his income for those years. * * *

"The impact of this testimony on the trial judge indicates the probable prejudicial impact the testimony had on the jury.

* * * * *

"We conclude that the highly prejudicial evidence was not relevant and was inadmissible, that the court had no discretion to admit it, and that the careful instruction with respect to the evidence could not cure the error because the evidence should not have been admitted."

In a concurring opinion, Judge Duffy said:

"* * * The manner in which the 1940-1955 income tax returns were handled, in my opinion, was prejudicial to the right of the defendant to have a fair trial on the charges which were then before the court."

In the present case, not only were the 1933-1938 occurrences not "then before the court," but the Department of Registration and Education had actually passed upon these very charges and had restored the petitioner's license in June, 1938 (R. 138-42, 327, 329). In addition in the present case, the trier of the facts (the Board of Dental Examiners) did not purport to be unaffected by the prejudicial matter, as in most other cases, but *actually rendered its Report on the basis of the prejudicial matter*: Of the 25 findings in the Report of the Board, 11 findings are based on 1933-1938 matters (Nos. 3, 4, 8, 9, 10, 11, 12, 13, 14, 15 and 16; R. 330-3) and include lengthy recitals concerning the mail-order business, the Federal Trade Commission order of 1936 and the Post Office order of 1938. The 20 conclusions of the Board are even more astonishing and include the following (the notation "no evidence" hereafter meaning "no evidence unless the 1933-1938 matters are considered evidence"):

Conclusion No.	*Charge*	*Basis*
3	Misrepresentations	No evidence
5	False representations	No evidence
7	Holding out as specialist	No evidence
11	Fraudulent statements	No evidence
13	Publication of reports of cases	No evidence
14	False Advertisement	No evidence
15	Advertisement of free dental services	No evidence
16	Advertisement of prices for dental services	No evidence
17	Federal Trade Commission order	No evidence
18	Post office order	No evidence
19	(Based in part upon 1936 and 1938 matters)	No evidence

Conclusion No. 20 criticizes the petitioner for refusing to answer questions about his 1933-1938 mail-order practice until required to do so by court order. In view of the facts, the plaintiff was amply justified in such refusals.

Thus it is clear that the Board and hence the Department was not only exposed to prejudicial matter but acted upon it.

In a comprehensive comment in 59 Northwestern University Law Review 216 (May-June, 1964) entitled "Prejudice and the Administrative Process," the following conclusion appears at pages 242-3:

> "Certainly one of the most basic of procedural safeguards is the guarantee of a fair hearing and record determination when factual issues are in dispute in an adjudicatory proceeding."

In support of this conclusion the comment cites *Wong Yang Sung* v. *McGrath,* 339 U.S. 33 (1950), where the Supreme Court stated at page 50:

> "When the Constitution requires a hearing, it requires a fair one, one before a tribunal which meets at least currently prevailing standards of impartiality."

See also, *Inland Steel Co.* v. *N.L.R.B.,* 109 F. 2d 9 (7th Cir., 1940) at page 20. A hearing "must mean a trial by a tribunal free from bias and prejudice * * *"

The incredibly unfair and biased hearing contaminated the entire proceedings. In *National Labor Relations Board* v. *Phelps,* 136 F. 2d 562 (5th Cir., 1943), the Court said at pages 563-4:

> "* * * a fair trial by an unbiased and non-partisan trier of the facts is of the essence of the adjudicatory process as well when the judging is done in an administrative proceeding by an administrative functionary as when it is done in a court by a judge. Indeed, if there is any difference, the rigidity of the requirement that the trier be impartial and unconcerned in the result applies more strictly to an administrative adjudication where many of the safeguards which have been thrown around court proceedings have, in the interest of expedition and a supposed administrative efficiency been relaxed. Nor will the fact that an examination of the record shows that there was evidence which would support the judgment, at all save a trial from the charge of unfairness, for when the fault of bias and prejudice in a judge first rears its ugly head, its effect remains throughout the whole proceeding. Once partiality appears, and particularly when, though challenged, it is unrelieved against, it taints and vitiates all of the proceedings, and no judgment based upon them may stand."

On the ground of prejudicial trier of facts and the unfair hearing the entire judgment is tainted and must be reversed and set aside.

CONCLUSION.

It is impossible to find a case in any field, much less among cases involving revocation of professional licenses, where more prejudicial, damaging and inflammatory matter was unlawfully and unconstitutionally introduced and relied upon.

There is no possible way to erase the enormity of the prejudice from this record. The Appellate Court states that "it is not necessary to consider the alleged violations * * * which date back to 1926-1939." It is virtually impossible for the human mind—including the trained minds of judicial officers—to be exposed to an avalanche of prejudicial matter and not to accept such matters as undisputed proof equal in every respect to evidence of alleged current violations. The record herein has been tainted and cannot be purged.

For the foregoing reasons, this petition for writ of certiorari should be granted.

Respectfully submitted,

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APPENDIX

1. OPINION OF THE APPELLATE COURT

MR. JUSTICE DRUCKER Delivered the Opinion of the Court:

This is an appeal from a decision affirming an order revoking the license of plaintiff to practice dentistry in Illinois.

A complaint, filed with the Department of Registration and Education on March 28, 1960, by Edgar T. Stephens, Relator, charged eighteen violations of the Illinois Dental Practice Act (Ill. Rev. Stat., 1959, ch. 91, § § 60a-72). Plaintiff did not file an answer.

Hearings were held by the Board of Dental Examiners in 1960 with two witnesses testifying, Relator Stephens and plaintiff. The Board of Dental Examiners in its Report of Findings and Recommendations on September 19, 1961, found plaintiff guilty of unprofessional conduct [1] and the Department of Registration and Education adopted that report. On February 5, 1962, plaintiff's license was revoked. Subsequently plaintiff's complaint for administrative review was filed and on November 27, 1963, the Circuit Court affirmed the order of revocation.

The March 28, 1960, complaint focuses on three areas of alleged violations. Chronologically, the first series of

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[1] The report found violations of paragraphs 6, 7, 8, 9, 10, 16, 17, 18 and 18b of the Illinois Dental Practice Act (Ill. Rev. Stat., 1959, ch. 91, § § 59a *et seq.*

violations pertains to 1926-1939.[2] These violations were based on extensive national advertising whereby Heininger solicited dental patronage, particularly for the manufacture, repair, relining and reproduction of full and partial dentures; that in said advertising Heininger held himself out to the public as a "Specialist in Postal Prosthodontia" although he was never licensed as such. The second collection of violations relates to plaintiff's professional association with Clark Dental Laboratory. The third division of the complaint relates to plaintiff's operation of the Ashland-Belmont Dental Laboratory at 954 West Belmont Avenue, Chicago.

Plaintiff was an adverse witness at a hearing held on July 18, 1960, and on subsequent dates. In his testimony he disclosed that:

> I am engaged in the practice of dentistry. My office is located at 954 Belmont. I have been there approximately a year and two, three months. I am engaged in the general practice of dentistry. I have no other office in Chicago. I am open every day except Sunday from 9:00 to about 6:00, 7:00.

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[2] A brief resume of plaintiff's career reveals that he was licensed to practice dentistry in Illinois in 1924, after receiving his dental education at the Northwestern University School of Dentistry; that from 1924 to 1933 he practiced dentistry in Chicago; that he subsequently operated a worldwide, mail-order dental laboratory business, for which he solicited through national advertising and which at its peak did a gross business of $231,000 and had 60 employees; that the Federal Trade Commission entered a cease and desist order enjoining him from continuing certain advertising practices. Plaintiff was also involved in proceedings with the Postmaster General of the United States and the Internal Revenue Service.

(Appellate Court Opinion)

Heininger detailed the operation of a dental laboratory at the Belmont address:

> I started my work at the 954 West Belmont address about 14 or 15 months ago. I have conducted an office there ever since. I am there now. My own dental laboratory is located at that address also. I consider the whole thing a dental office. Every dental office has a laboratory. . . . There is a room for a laboratory bench work, so there would be three rooms. I do not have any employees there. I do the dental work and any laboratory work. I own this business myself.

Plaintiff elaborated on work which he performed at the 954 Belmont laboratory:

> I have no employees in my present place of practice at 954 West Belmont. I do laboratory work for one or two other dentists. One is Dr. Nelson. He brings it in, I do the work, and then he picks it up. . . . I don't recall the name of the other dentist. I did work for him seven or eight months ago.

Thirty-nine exhibits were introduced at the hearing. Four are pertinent to violations relating to the Ashland Belmont Laboratory. They include: (1) a business card, (2) two photographs of signs on the building facade and (3) an advertisement in the Classified Telephone Directory. The format of the business card was: "LI 9-4585/Ashland-Belmont Dental Laboratory—Hours: Monday-Friday 9 A.M.-7 P.M. Saturday 9 A.M.-4 P.M./954 West Belmont Ave. Chicago, Ill." Plaintiff admitted that the card ". . . is a business card used in my practice of dentistry at 954 West Belmont, where I am now."

One photograph was of the front window of the laboratory. In large dark block letters against a light background was inscribed: "Ashland Belmont Dental Laboratory." Be-

neath the inscription in small dark letters was: "Dr. S. Heininger, Dentist." Another picture showed the door of the 954 Belmont building. Affixed to the door was a prominent sign: "Dental Laboratory—Hours Daily—Mon. thru Fri. 9 am to 7 pm—Sat. 9 am to 4 pm—S. Heininger DDS —Gr. 7-3751." In the 1960 Chicago Red Book Classified Telephone Directory, at page 570, under the general listing for "Dental Laboratories" was a two-inch, one-column advertisement for Ashland Belmont Laboratories. The display: "Ashland Belmont Dental Laboratories—North —Lakeview Shopping Area—Manufacturing & Repairing of Dental Plates—Serving the Dental Profession for 19 years—(At the Belmont "L" Station)—954 W. Belmont— Gr 7-3751."

Among the issues presented are the provisions of the statute which relate to: (1) practicing dentistry under a name other than appears on the license issued by the Department of Education and Registration and (2) advertising via media which calls attention of the public to any person engaged in the practice of dentistry.

The Illinois Dental Practice Act (Ill. Rev. Stat., 1959, ch. 91, § 72) provides that:

> It shall be unlawful for any person or persons to practice dentistry under the name of a corporation, company, association or trade name; or under any name except his or her own proper name, which shall be the name used in his or her license as issued by the Department of Registration and Education.

Plaintiff's license was issued to him in 1924. Plaintiff admitted that he was "engaged in the practice of dentistry," that his office "is located at 954 Belmont." We are confronted with four exhibits in which plaintiff advertised

to the public in a manner indicating that he was practicing under a name that was not his own. The sign on the window at the 954 Belmont premises featured "Ashland Belmont Dental Laboratory." The business announcement in the 1960 Red Book Classified Telephone Directory *only* referred to the Ashland Belmont Dental Laboratory. No mention was made in the "Dental Laboratory" classification of Dr. Heininger, the individual licensed to practice by the state of Illinois and the admitted operator of the laboratory.

Plaintiff testified that when he leased the Ashland Belmont Laboratory premises they were vacant and that he did not purchase them from anyone; that he had known a Howard Osburn for five or six years and that Osburn "had the Ashland-Belmort Dental Laboratory at that location for some time before I went in there." Since plaintiff was the sole owner and operator, any publicizing was his direct responsibility. Plaintiff revealed that his business card, which mentioned only the dental laboratory, "is a business card used in my practice of dentistry at 954 West Belmont, where I am now." We are compelled to conclude that plaintiff was not practicing dentistry under his own name. This is a sufficient predicate for revocation. *Wallace J. Parker* v. *Department of Registration*, 5 Ill. 2d 288, 295.

The Dental Practice Act provides that a license may be revoked for certain other enumerated offenses (Ill. Rev. Stat., 1959, ch. 91, § 62, par. 17). One offense pertains to advertising:

> Except as otherwise provided in Section 18b(•), advertising or soliciting by himself or through another by means of hand bills, posters, circulars, stereopticon slides, motion pictures, radio, newspapers or in any other manner for professional business.

(•) Also referred to as Sec. 72b.

(Appellate Court Opinion)

Section 72b states that it shall be unlawful for any person, firm or corporation:

> . . . to exhibit or use specimens of dental work, posters or any other media calling attention of the public to any person engaged in the practice of dentistry.

The statute further provides that:

> Any person committing an offense against any of the provisions of this section, shall upon conviction, be subjected to such penalties as are provided in this Act, except any person licensed under this Act may list his name, title, specialty, address and telephone number in professional and telephone directories; or announce by way of a professional card containing only the name, title, degree, office location, office hours, phone number, residence address and phone number and specialty, if any, if desired, but such card shall not be greater in size than 3½ inches by 2 inches; or list his name, title, specialty, address and telephone number in public print when limited to the number of lines necessary to state such information; . . . or display the name of the licensee, on the premises where engaged in the profession, upon the windows thereof and by a door plate or name or office directory when the information is limited to that of the professional card . . .

Plaintiff violated paragraph 17. The large sign: "Ashland Belmont Dental Laboratory—Dr. S. Heininger, Dentist" and the display advertisement in the 1960 Red Book Classified Telephone Directory were used to acquire dental business because plaintiff was the laboratory and any business which came to him could only be handled by him as a practicing dentist. The violation is made all the more apparent by (1) the utilization of the laboratory name

during the fourteen months during which plaintiff occupied the premises and (2) the business card which featured the laboratory name, not the name of the plaintiff.

The testimony of the plaintiff and the exhibits pertaining to the dental laboratory at 954 West Belmont clearly indicate that plaintiff committed two violations of the Dental Practice Act, i.e., practicing dentistry under a name other than appears on his license and unauthorized advertising via media which calls attention of the public to any person engaged in the practice of dentistry.

The revocation of plaintiff's license to practice dentistry in Illinois is affirmed. For this reason it is not necessary to consider the alleged violations at the Clark Street office or those which date back to 1926-1939.

Affirmed.

ENGLISH, P. J. and MCCORMICK, J., concur.

2. JUDGMENT OF APPELLATE COURT

S. B. Heininger, Appellant, vs. Department of Registration and Education of the State of Illinois, William Sylvester White, Director of The Department of Registration and Education of the State of Illinois, and Edgar T. Stephens, Appellees.	Appeal from the Circuit Court of Cook County.

No. 49500

AFFIRMING ORDER.

The order of the Circuit Court of Cook County is Affirmed and Edgar T. Stephens, Certain Appellee, recover costs from Appellant.

Execution may issue.

3. THE ORDER OF JANUARY 20, 1965 OF THE SUPREME COURT OF ILLINOIS DENYING LEAVE TO APPEAL

United States of America

State of Illinois
Supreme Court—ss.

At A Term Of The Supreme Court, begun and held in Springfield on Monday, the eleventh day of January in the year of our Lord, one thousand nine hundred and sixty-five, within and for the State of Illinois.

Present: Ray I. Klingbiel, Chief Justice.
Justice Joseph E. Daily Justice Walter V. Schaefer
Justice Harry B. Hershey Justice Byron O. House
Justice Roy J. Solfisburg, Jr. Justice Robert C. Underwood
William G. Clark, Attorney General
Robert G. Miley, Marshal
Attest: Mrs. Earle Benjamin Searcy, Clerk

Be It Remembered, that, to-wit: on the 20th day of January, 1965, the same being one of the days of the term of Court aforesaid, the following proceedings were, by said Court, had and entered of record, to-wit:

S. B. Heininger,
Petitioner.

No. 39076 vs.

Department of Registration and Education of the State of Illinois, William Sylvester White, Director of Registration and Education, and Edgar T. Stephens.
Respondents.

Petition for Leave to Appeal from Appellate Court, First District.
62 C 2644
49500

And now on this day the Court having duly considered the Petition for Leave to Appeal herein as well as the

(Order of Supreme Court Denying Leave to Appeal)

record and abstract, filed in support thereof, and being now fully advised of and concerning the premises, doth overrule the prayer of the petition and denies Leave to Appeal herein.

And it is further considered by the Court that the said Respondents recover of and from the said Petitioners costs by them in this behalf expended, to be taxed, and that they have execution therefor.

I, Mrs. Earle Benjamin Searcy, Clerk of the Supreme Court of the State of Illinois and Keeper of the records, files and Seal thereof, do hereby certify that the foregoing is a true copy of the final order of the said Supreme Court in the above entitled cause of record in my office.

In Witness Whereof, I have hereunto subscribed my name and affixed the Seal of said Court this 25th day of January, 1965.

/s/ Mrs. Earle Benjamin Searcy,
Clerk, Supreme Court of the
(Seal) State of Illinois.